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Mary I. Grilliot

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HONEYWELL INTERNATIONAL INC.  
101 COLUMBIA ROAD  
P O BOX 2245  
MORRISTOWN, NJ 07962-2245

EXAMINER

LIPMAN, JACOB

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/619,161  
Filing Date: July 14, 2003  
Appellant(s): GRILLIOT ET AL.

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Jeffery N. Fairchild  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 13 March 2009 appealing from the Office action mailed 30 June 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

20040056089

Larson et al.

9-2002

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Larson et al., USPN 2004/0056089.

With regard to claims 1 and 5, Larson discloses a method for providing perimeter security so as to restrict entry to authorized persons (0019), wherein the method comprises steps of (a) issuing to each authorized person a token (0020) displaying or recording a unique set of electronically readable data identifying said authorized person (0030), who can present the token when seeking entry, (b) entering a photograph image of each authorized person into a database (0031), which is maintained in a portable computer (0027) having a display (0069), (c) reading the data displayed or recorded by each token presented by a person seeking entry, via an electronic reader (0070), and sending the read data to the computer (0071), (d) the portable or handheld computer (0072) comparing the sent data to the database (0071, 0075, 0076), and displaying the photographic image entered on the database of the person identified by the sent data, via the display (0071).

With regard to claims 2 and 6, Larson discloses that not all enrolled people will have access (0069).

With regard to claims 4 and 8, Larson discloses plural readers (0067, claim 5) which each maintain a replica of the database (0072, 0027).

**(10) Response to Argument**

With regard to applicant's argument that the card reader of Larson does not disclose maintaining vendor photographs, the examiner points to paragraph 71. In paragraph 71, Larson discloses that the card reader displays the vendor's photograph to check against the person presenting the card.

With regard to applicant's argument that the handheld reader of Larson does not compare data from the card to the database, the examiner points again to paragraph 71, where Larson disclose, "for cards that are read, determining whether there is a corresponding user or employee within the system database". This step is comparing the card data to the database.

With regard to applicant's argument that the handheld card readers in Larson do not maintain the database, the examiner points to paragraph 75. In paragraph 75, Larson discloses that in addition to a central database, the distributed systems also can include databases. In paragraph 76 Larson discloses periodically synchronizing the databases to keep the central database current. The distributed system of Larson reads on a portable or handheld computer. Even if the language of the claim were seen as limiting enough to only read on the portable card readers of Larson, the card readers

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maintain the database in that the database is modified based on activity data that they transmit. This keeps the database current and maintains it.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jacob Lipman/

Examiner, Art Unit 2434

Conferees:

/Andrew L Nalven/

Primary Examiner, Art Unit 2434

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434